



# Commerce City

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## Council Communication File Number: CUP24-0001

**Agenda Date:** 7/1/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Conditional Use  
Permit

**Agenda Number:**

Brad Lucero, on behalf of Stout Street Foundation, is requesting a Conditional Use Permit to allow an Inpatient Residential Substance Abuse Treatment Facility located at 7251 E. 49th Avenue and 7201 E. 49th Avenue, zoned I-1S (Industrial Park Storage District), consisting of approximately 4.0 acres.

### Summary & Background

Stout Street has been in operation at this site since 2003. No changes are proposed to the existing operation. The use of an inpatient residential substance abuse treatment facility is permitted within the existing I-1S zoning district with the approval of a Conditional Use Permit. Multiple previous Conditional Use Permits have been approved with the most recent in 2011. The latest Conditional Use Permit has expired necessitating the current request. The use of an expiration date on Conditional Use Permits is no longer recommended.

The property is bordered by E. 49th Avenue to the south and Pontiac St. to the west with the Sand Creek and Sand Creek Trail along the northeastern boundary. The property consists primarily of the residential portion of the facility (7201 E. 49th Ave.) and the administrative building (7251 E. 49th Ave.) where the clinical and operational facilities are located. In the northern corner is a garden for use by residents, a telecommunications tower, and a fenced storage area. To the west and south are a number of light industrial uses including auto repair, a truck stop, a recycling center, and a wholesale bakery. There are no existing residential uses within the vicinity of this site.

The facility currently serves as Stout Street Foundation's headquarters and operates 24 hours a day and seven days a week. Stout Street currently has 20 full-time staff members, five part-time staff members, and can house approximately 120 individuals for treatment. There are two categories of residents at Stout Street. The first consists of those individuals who voluntarily seek therapy at the facility; the second consists of those who gain access through the judicial system. Prior to admission, Stout Street conducts interviews and runs background checks on all prospective residents that are applying to be part of their Recovery Community to filter out any individuals with a history of violence, sexual crimes, or arson from entering the program.

The site meets all relevant City standards and Land Development Code (LDC) requirements. There are no conditions proposed in conjunction with the Conditional Use Permit.

A full analysis of the approval criteria is provided in the attached Conditional Use Permit report. Relevant approval criteria are as follows (LDC Sec. 21-3230(3)):

A conditional use permit may be granted if:

- a) All of the following criteria are met:
  - i. The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;
  - ii. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;
  - iii. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
  - iv. The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;
  - v. The applicant has provided adequate assurances of continuing maintenance;
  - vi. There is no evidence to suggest that the use violates any federal, state, or local requirements; and
- b) One of the following criteria is met:
  - i. There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or
  - ii. The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.

**Staff Responsible (Department Head):** Jared Gerber, Community Development

**Staff Presenting:** Nathan Chavez, City Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission Recommendation:** On June 4 2024, this case was presented

to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 0) to forward the Conditional Use Permit request to City Council with a recommendation for approval.

**Action Alternatives:**

Approve the application, in accordance with the PC recommendation (no conditions);

Approve the application with conditions; or

Deny the application.